(Rev. 06/05) Judgment in a Criminal Case Sheet 1 - D. Massachusetts - 10/05

# UNITED STATES DISTRICT COURT

# District of Massachusetts

UNITED STATES OF AMERICA V.

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:	<b>08</b>	CR	10098	-	001	- DPW

JOSHUA RILEY	Case Number: 1: 08 CR 10098 - 001 - DPW
	USM Number: 26913-038
	Ian Gold
	Defendant's Attorney Additional documents attached
THE DEFENDANT:	10/10/00
pleaded guilty to count(s) 1s & 2s of the Supersed	ling Information on 12/18/08
pleaded nolo contendere to count(s) which was accepted by the court.	
was found guilty on count(s)after a plea of not guilty.	
The defendant is adjudicated guilty of these offenses:	Additional Counts - See continuation page
Title & Section Nature of Offense	Offense Ended Count
18 USC § 2113(a) Bank Robbery	02/22/08 1s of 2s
18 USC § 2113(a) Bank Robbery	03/03/08 2s of 2s
The defendant is sentenced as provided in pages 2 the the Sentencing Reform Act of 1984.  The defendant has been found not guilty on count(s)  Count(s)  1 of the original Indictment  is  It is ordered that the defendant must notify the United or mailing address until all fines, restitution, costs, and special the defendant must notify the court and United States attorned.	arc dismissed on the motion of the United States.  ed States attorney for this district within 30 days of any change of name, residence, I assessments imposed by this judgment are fully paid. If ordered to pay restitution, ey of material changes in economic circumstances.
the defendant must notify the court and Office States attorne	04/16/09
· A property of	
A second	Date of Imposition of Judgment Windlock
TATES DISTAIC	Signature of Judge
	The Honorable Douglas P. Woodlock
S   S   S   S   S   S   S   S   S   S	Judge, U.S. District Court
3 1	Name and Title of Judge
	April 16.2009
	Date

(Rev 06/05) Judgment in a Criminal Case Sheet 2 - D. Massachusetts - 10/05

Judgment — Page 2 of 12
DEFENDANT: JOSHUA RILEY CASE NUMBER: 1: 08 CR 10098 - 001 - DPW
IMPRISONMENT
The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 72 month(s)  EACH COUNT TO RUN CONCURRENTLY.
DEFENDANT SHALL RECEIVE CREDIT FOR TIME SERVED.
The court makes the following recommendations to the Bureau of Prisons:
Defendant should be designated to a facility within the Northeast Region as close as possible to the Boston area.
The defendant is remanded to the custody of the United States Marshal.
The defendant shall surrender to the United States Marshal for this district:
at a.m p.m. on
as notified by the United States Marshal.
The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
before 2 p.m. on
as notified by the United States Marshal.
as notified by the Probation or Pretrial Services Office.
as notified by the Frobation of Freduct Services Office.
RETURN
I have executed this judgment as follows:
Defendant delivered on to
a, with a certified copy of this judgment.
UNITED STATES MARSHAL
Rv
DEPUTY UNITED STATES MARSHAL

(Rev 06/05) Judgment in a Criminal Case Sheet 2A - D. Massachusetts - 10/05

DEFENDANT: JOSHUA RILEY

CASE NUMBER: 1: 08 CR 10098 - 001 - DPW

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### ADDITIONAL IMPRISONMENT TERMS

The defendant should be designated to an institution commensurate with security where the defendant can receive appropriate drug treatment, and mental health treatment including psychiatric assessment in accordance with Dr. Munoz's recommendation in her report of April 3, 2009, which will be provided to the BOP.

<b><sup>®</sup>AO 245B(05-MA)</b>	(Rev. 06/05) Judgment in a Criminal Case Sheet 3 - D Massachusetts - 10/05	
DEFENDANT: CASE NUMBER:	JOSHUA RILEY  1: 08 CR 10098 - 001 - DPW	Judgment—Page 4 of 12
Upon release from in	SUPERVISED RELEASE  mprisonment, the defendant shall be on supervised release for a term of:	See continuation page 3 year(s)
The defendant custody of the Burea	must report to the probation office in the district to which the defendant is an of Prisons.	released within 72 hours of release from the
The defendant shall	not commit another federal, state or local crime.	
The defendant shall substance. The defe thereafter, not to exceed	not unlawfully possess a controlled substance. The defendant shall refrair andant shall submit to one drug test within 15 days of release from impriso seed 104 tests per year, as directed by the probation officer.	n from any unlawful use of a controlled nment and at least two periodic drug tests
	g testing condition is suspended, based on the court's determination that the abuse. (Check, if applicable.)	e defendant poses a low risk of
The defendant	shall not possess a firearm, ammunition, destructive device, or any other of	angerous weapon. (Check, if applicable.)
<b>✓</b> The defendant	shall cooperate in the collection of DNA as directed by the probation office	eer. (Check, if applicable.)
1 1	shall register with the state sex offender registration agency in the state wested by the probation officer. (Check, if applicable.)	nere the defendant resides, works, or is a
The defendant	shall participate in an approved program for domestic violence. (Check, i	f applicable.)
If this judgmen Schedule of Paymen	at imposes a fine or restitution, it is a condition of supervised release that that sheet of this judgment.	ne defendant pay in accordance with the
The defendant on the attached page	must comply with the standard conditions that have been adopted by this c	ourt as well as with any additional conditions

#### STANDARD CONDITIONS OF SUPERVISION

- the defendant shall not leave the judicial district without the permission of the court or probation officer; 1)
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer; 3)
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- the defendant shall notify the probation officer at least ten days prior to any change in residence or employment; 6)
- the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, usc, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; 7)
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer; 10)
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and 12)
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SAO 245B(05-MA)

(Rev. 06/05) Judgment in a Criminal Case

Sheet 4A - Continuation Page - Supervised Release/Probation -10/05

DEFENDANT:

**JOSHUA RILEY** 

CASE NUMBER: 1: 08 CR 10098 - 001 - DPW

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## ADDITIONAL ✓ SUPERVISED RELEASE ☐ PROBATION TERMS

DEFENDANT IS TO PROVIDE THE PROBATION OFFICER ACCESS TO ANY REQUESTED FINANCIAL INFORMATION. FINANCIAL INFORMATION PROVIDED TO THE PROBATION OFFICE BY THE DEFENDANT MAY BE SHARED WITH THE FINANCIAL LITIGATION UNIT OF THE US ATTORNEY'S OFFICE.

SO LONG AS HIS FINANCIAL OBLIGATIONS UNDER THIS JUDGMENT ARE OUTSTANDING, DEFENDANT IS PROHIBITED FROM INCURRING NEW CREDIT CHARGES OR OPENING ADDITIONAL LINES OF CREDIT WITHOUT THE APPROVAL OF THE PROBATION OFFICER.

DEFENDANT IS TO PARTICIPATE IN A PROGRAM FOR SUBSTANCE ABUSE AS DIRECTED BY THE US PROBATION OFFICE, WHICH PROGRAM MAY INCLUDE TESTING, NOT TO EXCEED 104 DRUG TESTS PER YEAR, TO DETERMINE WHETHER THE DEFENDANT HAS REVERTED TO THE USE OF ALCOHOL OR DRUGS. THE DEFENDANT SHALL BE REQUIRED TO CONTRIBUTE TO THE COSTS OF SERVICES FOR SUCH TREATMENT BASED ON THE ABILITY TO PAY OR AVAILABILITY OF THIRD PARTY PAYMENT.

Continuation of Conditions of Supervised Release Probation

DEFENDANT IS TO PARTICIPATE IN A MENTAL HEALTH TREATMENT PROGRAM AS DIRECTED BY THE US PROBATION OFFICE. THE DEFENDANT SHALL BE REQUIRED TO CONTRIBUTE TO THE COSTS OF SERVICES FOR SUCH TREATMENT BASED ON THE ABILITY TO PAY OR AVAILABILITY OF THIRD PARTY PAYMENT.

◆ AO 2	245B(U5-MA		D Massachusett									
DEF	ENDAN	:	UA RILE		DDW/			Judgmer	nt — Page _	6	of _	12
CAS	E NUMB	ER: 1: 08	CR 1009		I - DPW Nalmo	NETAR	Y PENA	LTIES				
,	The defend	ant must pay	the total crit	ninal mone	tary penalti	es under the	schedule of	payments on S	Sheet 6.			
		Assessr	<u>nent</u>			<u>Fine</u>			<u>Restitutio</u>	<u>n</u>		
тот	ALS	\$	\$200.00	)	5	5		\$	\$1	1,026.	00	
		ination of re		ferred until	·	An Amend	ed Judgmen	t in a Crimin	nal Case (	AO 2450	C) will	be entered
<b>√</b>	The defend	ant must ma	ke restitution	(including	community	restitution)	to the follow	ving payees in	the amou	nt listed	below.	
]	If the defer the priority before the	idant makes a order or per United States	a partial payn centage payn s is paid.	nent, each p nent columi	oayee shall r n below. H	eceive an ap owever, pur	oproximately rsuant to 18 t	proportioned J.S.C. § 3664	payment, (i), all non	unless sj federal	oecified victims	dotherwise in must be paid
<u>Nam</u>	e of Payee	:		Total Loss	<u>:*</u>	<u>R</u>	testitutio <u>n O</u>	rdered	]	<u>Priority</u>	or Per	centage
Brook	line Banl	C					\$	3,348.00				
1018 V	W. Roxbi	ıry Parkwa	y									
	line, MA	•	,									
210011		02.1.0										
Dedha	ım Institu	ite for Savi	ngs				9	57,678.00				
260 Bı	ussy Stre	et										
Dedha	ım, MA (	2026										
											See Con	ntinuation
тот	ALS		\$		\$0.00	\$	\$:	11,026.00				
	Restitutio	n amount ord	lered pursuan	it to plea ag	reement \$							
	The defen	dant must pa	v interest on	restitution :	and a fine o	f more than	\$2,500, unle	ss the restituti	on or fine	is naid i	n full h	efore the
<b>₩</b>	fifteenth o	lay after the		dgment, pu	rsuant to 18	U.S.C. § 36	612(f). All o	f the payment				
	The court	determined t	hat the defen	dant does n	ot have the	ability to pa	ay interest an	d it is ordered	that:			
	the in	terest require	ement is waiv	ed for the	fine	resti	tution.					
	the in	terest require	ement for the	fin	 пс ге	estitution is 1	modified as f	ollows:				
					<del>-</del>							

<sup>\*</sup> Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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DEFENDANT:

**JOSHUA RILEY** 

CASE NUMBER: 1: 08 CR 10098 - 001 - DPW

### ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

DEFENDANT SHALL NOTIFY THE US ATTORNEY FOR THIS DISTRICT WITHIN 30 DAYS OF ANY CHANGE OF MAILING OR RESIDENCE ADDRESS THAT OCCURS WHILE ANY PORTION OF THE FINE REMAINS UNPAID.

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DEFENDANT:

**JOSHUA RILEY** 

CASE NUMBER: 1: 08 CR 10098 - 001 - DPW

	SCHEDULE OF PAYMENTS	
Нач	ving assessed the defendant's ability to pay, payment of the total eriminal monetary penalties are due as follows:	
A	Lump sum payment of \$ due immediately, balance due	
	not later than, or in accordance C, D, E, or F below; or	
В	Payment to begin immediately (may be combined with C, D, or F below); or	
C	Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of this judgment; or (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or	of
D	Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of term of supervision; or (e.g., months or years), to eommence (e.g., 30 or 60 days) after release from imprisonment to	of a
E	Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release fr imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time;	or or
F	Special instructions regarding the payment of criminal monetary penalties:	
	DEFENDANT SHALL PAY THE SPECIAL ASSESSMENT OF \$200.00, AND RESTITUTION OF \$11,026.00 IMMEDIATELY OR ACCORDING TO A PAYMENT PLAN ESTABLISHED BY THE COURT IN CONSULTATION WITH THE PROBATION OFFICER.	
Unl imp Res	less the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is durisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Federal Bureau of Prisons' Inm	e during inancial
The	e defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.	
$\geq$	Joint and Several See C	Continuation
	Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount and corresponding payee, if appropriate.	ount,
	Defendant shall make restitution to the Dedham Institute for Savings in the amount of \$7,678. The restitution sh paid by the defendant jointly and severally with co-defendant James Wise criminal no. 08-CR-10098-2-DPW. Any payment made, that is not payment in full, shall be divided proportionately among the parties named.	
	The defendant shall pay the cost of prosecution.	
Г	The defendant shall pay the following court cost(s):	
Ē	The defendant shall forfeit the defendant's interest in the following property to the United States:	
Pay (5)	ments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.	

AO 2	45B			Criminal Judgment Page 1) — Statement of Reasons	s - D. Massachusetts - 10/05		
	SE N			JOSHUA RILEY 1: 08 CR 10098 MASSACHUSETTS	- 001 - DPW STATEMENT	OF REASON	Judgment — Page 9 of 12
ı	CC	OURT :	FINI	DINGS ON PRESENTE	NCE INVESTIGATIO	ON REPORT	
	Α	<b>√</b>	Th	e court adopts the presen	ntence investigation re	port without chan	ge.
	В		(Ch	e court adopts the presence all that apply and specify core Section VIII if necessary.)	_	_	wing changes. paragraph numbers in the presentence report, if applicable)
		l		Chapter Two of the U.S.S.G. specific offense characteristics	-	ourt (including changes	to base offense level, or
		2		Chapter Three of the U.S.S.C role in the offense, obstruction			es to victim-related adjustments, bility)
		3		Chapter Four of the U.S.S.G. scores, career offender, or erim	•		to criminal history eategory or
		4			•	•	rning eertain information in the mate classification, designation,
	C		Th	e record establishes no n	eed for a presentence	investigation repo	rt pursuant to Fed.R.Crim.P. 32.
II	CC	OURT !	FINI	DING ON MANDATOR	Y MINIMUM SENTE	NCE (Check all th	at apply.)
	Α	V	No	count of conviction carries a man	ndatory minimum sentence.		
	В		Man	datory minimum sentence impos	sed.		
	С		sent	or more counts of conviction all ence imposed is below a mandate not apply based on	leged in the indictment earry a ory minimum term because th	a mandatory minimum t se court has determined	erm of imprisonment, but the that the mandatory minimum
				findings of fact in this case			
				substantial assistance (18 U.S.C) the statutory safety valve (18 U	, ,		
			П				
III	CC	OURT I	DET	ERMINATION OF ADV	VISORY GUIDELINE	RANGE (BEFO	RE DEPARTURES):
	Cri Im <sub>l</sub> Sup	prisonm pervised e Rang	listonent l d Rel e: \$	ry Category: VI Range: 151 to ease Range: 2	188 months to 3 year 5,000 e range because of inabi		

AO 245B (05-MA) (Rev. 06/05) Criminal Judgment Attachment (Page 2) - Statement of Reasons - D Massachusetts - 10/05 Judgment — Page 10 of 12 JOSHUA RILEY Ŧ **DEFENDANT:** CASE NUMBER: 1: 08 CR 10098 - 001 - DPW DISTRICT: MASSACHUSETTS STATEMENT OF REASONS ADVISORY GUIDELINE SENTENCING DETERMINATION (Check only one.) The sentence is within an advisory guideline range that is not greater than 24 months, and the court finds no reason to depart  $A \square$ В The sentence is within an advisory guideline range that is greater than 24 months, and the specific sentence is imposed for these reasons. (Use Section VIII if necessary.) The court departs from the advisory guideline range for reasons authorized by the sentencing guidelines manual. (Also complete Section V.) D 🗷 The court imposed a sentence outside the advisory sentencing guideline system. (Also complete Section VI.) DEPARTURES AUTHORIZED BY THE ADVISORY SENTENCING GUIDELINES (If applicable.) A The sentence imposed departs (Check only one.): below the advisory guideline range above the advisory guideline range Departure based on (Check all that apply.): 1 Plea Agreement (Check all that apply and check reason(s) below.): 5K1.1 plea agreement based on the defendant's substantial assistance П 5K3.1 plea agreement based on Early Disposition or "Fast-track" Program П binding plea agreement for departure accepted by the court plea agreement for departure, which the court finds to be reasonable plea agreement that states that the government will not oppose a defense departure motion. 2 Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.): 5K1.1 government motion based on the defendant's substantial assistance 5K3.1 government motion based on Early Disposition or "Fast-traek" program government motion for departure defense motion for departure to which the government did not object defense motion for departure to which the government objected 3 Other Other than a plea agreement or motion by the parties for departure (Check reason(s) below.): C Reason(s) for Departure (Check all that apply other than 5K1.1 or 5K3.1.) 4A13 Criminal History Inadequacy 5K2,1 5K2.11 Lesser Harm 5H1 1 Age 5K2.2 Physical Injury 5K2 12 Coercion and Duress П Extreme Psychological Injury 5H1.2 Education and Vocational Skills 5K23 5K2 13 Diminished Capacity 5H13 Mental and Emotional Condition  $\Box$ 5K2.4 Abduction or Unlawful Restraint 5K2 14 Public Welfare 5H1.4 Physical Condition 5K25 Property Damage or Loss  $\Box$ 5K2 16 Voluntary Disclosure of Offense Weapon or Dangerous Weapon 5H1.5 Employment Record 5K26 5K2.17 High-Capacity, Semiautomatic Weapon 5H1.6 Family Ties and Responsibilities 5K2.7 Disruption of Government Function 5K2 18 Violent Street Gang 5H1.11 Military Record, Charitable Service, 5K2.8 Extreme Conduct 5K2.20 Aberrant Behavior Good Works 5K2.9 Criminal Purpose 5K2.21 Dismissed and Uncharged Conduct 5K2.0 Aggravating or Mitigating Circumstances 5K2 10 Victim's Conduct 5K2.22 Age or Health of Sex Offenders 5K2 23 Diseharged Terms of Imprisonment Other guideline basis (e.g., 2B1.1 commentary) Explain the facts justifying the departure. (Use Section VIII if necessary.)

AO 245B ( 05-MA) (Rev. 06/05) Criminal Judgment
Attachment (Page 3) — Statement of Reasons - D Massachusetts 10/05

DEFI	ENI	DANT:	JO	SHUA RILEY	Judgment — Page 11 of 12
CASE NUMBER: DISTRICT:			08 CR 10098 - 001 - DPW ASSACHUSETTS	7	
				STATEM	ENT OF REASONS
VI		URT DET eck all that			SIDE THE ADVISORY GUIDELINE SYSTEM
	A	<b>∠</b> below	the	imposed is (Check only one.): advisory guideline range advisory guideline range	
	В	Sentence	imp	posed pursuant to (Check all that app	ly.):
		1	Ple	plea agreement for a sentence outside the ad-	d check reason(s) below.):  the advisory guideline system accepted by the court  visory guideline system, which the court finds to be reasonable  nt will not oppose a defense motion to the court to sentence outside the advisory guideline
		2	M₀ □ ☑	government motion for a sentence outside of defense motion for a sentence outside of the	ment (Check all that apply and check reason(s) below.):  the advisory guideline system advisory guideline system to which the government did not object advisory guideline system to which the government objected
		3	Oth		parties for a sentence outside of the advisory guideline system (Cheek reason(s) below.):
	C	Reason(	s) for	Sentence Outside the Advisory Gu	ideline System (Check all that apply.)
		to reflect to afform to produce to produce (18 U.	eet the ord add ect the vide the S.C. § id unv	e seriousness of the offense, to promote respect equate deterrence to criminal conduct (18 U.S C e public from further crimes of the defendant (1	8 U.S C. § 3553(a)(2)(C)) onal training, medical care, or other correctional treatment in the most effective manner onts (18 U.S.C. § 3553(a)(6))
	D	Explain	the f	acts justifying a sentence outside the	e advisory guideline system. (UseSection VIII if necessary.)

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AO 245B (05-MA) (Rev. 06/05) Criminal Judgment

Attachment (Page 4) — Statement of Reasons - D Massachusetts - 10/05

**JOSHUA RILEY DEFENDANT:** 

CASE NUMBER: 1: 08 CR 10098 - 001 - DPW

DISTRICT:		T:	MASSACHUSETTS
			STATEMENT OF REASONS
VII	CO	URT I	ETERMINATIONS OF RESTITUTION
	Α		Restitution Not Applicable.
	В	Tota	Amount of Restitution: 11,026.00
	C	Rest	ution not ordered (Check only one.):
		1	For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A)
		2	For offenses for which restitution is otherwise mandatory under 18 U S C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U S.C. § 3663A(c)(3)(B).
		3	For other offenses for which restitution is authorized under 18 U S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U S.C. § 3663(a)(1)(B)(n).
		4	Restitution is not ordered for other reasons. (Explain)
VIII	ADI	DITIO	Partial restitution is ordered for these reasons (18 U.S.C. § 3553(c)):  NAL FACTS JUSTIFYING THE SENTENCE IN THIS CASE (If applicable.)
Defe	ndant ndant	's Dat 's Res	Sections I, II, III, IV, and VII of the Statement of Reasons form must be completed in all felony cases.  Sec. No.:    000-00-7382